

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CIRON B. SPRINGFIELD,
Petitioner,
v.
ROBERT BURTON, WARDEN,
Respondent.

No. 2:22-cv-0568 AC P

ORDER

Petitioner, a state prisoner proceeding pro se, seeks habeas relief pursuant to 28 U.S.C. § 2254 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF Nos. 1, 5. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Petitioner has filed an in forma pauperis affidavit in which he states that as of May 20, 2022, he had \$3,205.07 in his prison trust fund account.¹ ECF No. 5 at 4. Pursuant to federal statute, a filing fee of \$5.00 is required to commence a habeas corpus action in federal district court. 28 U.S.C. § 1914(a). The court may authorize the commencement of an action “without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor.” 28 U.S.C. § 1915(a).

¹ On June 14, 2022, the court issued an order which incorrectly identified the nature of petitioner’s action and the related filing fee. ECF No. 6. That order will be vacated herein.


1 The amount of funds in petitioner's trust fund account shows that he is able to pay the
2 filing fee and costs. Thus, petitioner has made an inadequate showing of indigency. See
3 Alexander v. Carson Adult High Sch., 9 F.3d 1448 (9th Cir. 1993). Petitioner will therefore be
4 granted twenty-one days within which to submit the appropriate filing fee to the Clerk of Court.
5 Petitioner is cautioned that failure to pay the fee will result in a recommendation that the
6 application to proceed in forma pauperis be denied and the instant action be dismissed without
7 prejudice.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The previously issued order directing petitioner to pay the filing fee for a civil rights
10 action (ECF No. 6) is VACATED, and

11 2. Within twenty-one days from the date of this order, petitioner shall submit the
12 appropriate filing fee.

13 DATED: June 14, 2022

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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